

his assigns, or who, in the case of personal property levied on and taken in execution, without the consent of the execution creditor, his assigns or lawfully authorized agents, first had and obtained in writing, and with intent to defraud the mortgagee or his assigns, and to defeat his or their lien under said mortgage, or with intent to defraud the said conditional vendor of personal property in an unrecorded, conditional, written contract, or his assigns, or with intent to defraud the execution creditor or his assigns, and defeat his or their lien under said execution, shall remove any of the personal property so mortgaged or purchased under said unrecorded, conditional, written contract, or levied on and taken in execution as aforesaid, as the case may be, beyond the limits of the city or county where it was located when so mortgaged or purchased under said unrecorded, conditional, written contract, or levied on and taken in execution, or who, with intent as aforesaid, removes, secretes, hypothecates, destroys or sells the same shall be deemed guilty of a misdemeanor, and on indictment therefor and conviction thereof shall be imprisoned in the city or county jail not more than six months, or shall be fined not more than five hundred dollars, or both, in the discretion of the court; but nothing herein contained shall be construed to relieve the sheriff or other officer holding said execution from his responsibility to the execution creditor for the safe keeping of any personal property by him levied on and taken in execution as aforesaid.

For a suit for malicious prosecution growing out of an arrest under this section, and involving the defense that the warrant upon which the plaintiff was arrested was of no effect, and hence the defendant was not liable, see *Smith v. Brown*, 119 Md. 244.

For a suit for malicious prosecution growing out of an indictment under this section, see *Hooper v. Vernon*, 74 Md. 137.

As to "Bills of Sale and Chattel Mortgages," see article 21, section 43, *et seq.*

Fraud—Re-Hypothecation of Personal Securities.

1904, art. 27, sec. 167. 1888, art. 27, sec. 112. 1878, ch. 172.

185. It shall not be lawful for any person or persons, bank, building association or corporation to re-pledge or re-hypothecate any stocks, bonds or other security or securities, the title to which passes by delivery or endorsement received or held by him or them as security for any money lent or advanced to the owner or holder of such stocks, bonds or other securities, during the continuance of the contract of pledge or hypothecation, without the consent of the pledgor; and every person or officer of such bank, building association or corporation, who shall so re-pledge or re-hypothecate such stocks, bonds or other securities so received or held, without the consent of the said pledgor so given as aforesaid shall be guilty of a misdemeanor, and on conviction thereof shall be sentenced to pay a fine of not less than five hundred dollars nor more than five thousand dollars, or to imprisonment in the penitentiary, for not more than five years, or both, in the discretion of the Court.